

ZB# 80-1

Lenardina Jones, Jerome  
Ware, & John Gozza

71-2-37 & 38

#80-1 - Jones, Leonardina / Ware, Jerome & Sophie

80-1

Public Hearing:

8:30 p.m. - 1/28/80.

hearing notice  
delivered to

Evening News by

John Goetz - 1/15/80.

fee paid 1/28/80 -

# GENERAL RECEIPT

4219

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF

*John Monzaga* *Jan. 29* 19 *80*  
*Fifty Dollars* \$ *50.00*

FOR

*Variance Fee* DOLLARS

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>Check</i>	<i>50.00</i>	
<i># 80-1</i>	<i>46 Haven</i>	

BY

*Pauline H. Townsend*  
*Town Clerk* (JUV)  
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

Legal Notice  
**PUBLIC NOTICE OF  
 HEARING BEFORE  
 ZONING BOARD OF APPEALS  
 TOWN OF NEW WINDSOR**  
 PLEASE TAKE NOTICE that the  
 Zoning Board of Appeals of the  
 TOWN OF NEW WINDSOR, New  
 York will hold a Public Hearing pur-  
 suant to Section 42-31A of the Zoning  
 Ordinance on the following  
 proposition:  
 (Appeal No. 1)  
 Request of LEONARDINA JONES  
 and JEROME AND SORHIE WARE  
 for a VARIANCE or SPECIAL USE  
 PERMIT of the regulations of the  
 Zoning Ordinance to permit a  
 REST HOME IN A RESIDENTIAL  
 ZONE, being a VARIANCE or  
 SPECIAL USE PERMIT of Section  
 48-2 Table of Use Regulations -  
 Column B and Column B-1 for  
 property situated as follows:  
 162 and 164 Vails Gate Heights  
 Drive, Town of New Windsor, New  
 York.  
 SAID HEARING will take place on  
 the 20th day of January, 1980 at the  
 New Windsor Town Hall, 565 Union  
 Avenue, New Windsor, N.Y. begin-  
 ing at 8:30 o'clock P.M.  
 VINCENT BIVONA  
 Chairman  
 By Patricia Dello  
 Secretary  
 Jan. 19

**State of New York  
 County of Orange, ss:**

Olga Trachewsky , being duly sworn deposes and  
 s  
 says that he is ....Principal Clerk..... of Newburgh-  
 Beacon News Co., Inc., Publisher of The Evening News.  
 a daily newspaper published and of general circulation in  
 the Counties of Orange and Dutchess, and that the notice  
 of which the annexed is a true copy was published .....

.....One Time.....  
 in said newspaper, commencing on the.....19th.....day of  
 .....January.....A.D., 19<sup>80</sup> , and ending on  
 the .....19th day of .....January.....A.D., 19<sup>80</sup>

**Subscribed and sworn to before me this**  
 .....22nd..... day of.....January.....19<sup>80</sup>.....

*Olga Trachewsky*

Anne E. Duckert

.....  
**Notary Public of the State of New York, County of Orange.**  
**MY COMMISSION EXPIRES MARCH 30, 19<sup>80</sup>**

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x  
In the Matter of the Application of

LENARDINA JONES, SOPHIE & JEROME WARE and  
JOHN GOZZA.

DECISION GRANTING  
USE VARIANCE

#80-1.  
-----x

WHEREAS, LENARDINA JONES of 162 Vails Gate Heights Drive, New Windsor, New York; JEROME and SOPHIE WARE of 164 Vails Gate Heights Drive, New Windsor, New York; and JOHN GOZZA of 162 Vails Gate Heights Drive, New Windsor, New York, have made application for a use variance to permit a rest home in an R-4 (residential) zone to be located at 162-164 Vails Gate Heights Drive, New Windsor, New York; and

WHEREAS, a public hearing was held on the 11th day of February, 1980 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicants were represented by themselves; and

WHEREAS, the application was opposed by several of the area residents in attendance; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the area is primarily residential in character, having single-family dwellings and townhouses in the area.

3. The evidence presented shows that the essential character of the neighborhood is quiet and relatively uncongested.

4. The evidence shows that there is sufficient parking in the area in front of the applicants' townhouse.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence shows that the plight of the applicants was due to unique circumstances and not to general conditions suffered by other persons within the zone.

2. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance as applied for by applicants listed above.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicants.

Dated: February 25, 1980.

S/ Richard Fenwick  
Vice-Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
LENARDINA JONES, JEROME WARE and  
SOPHIE WARE/JOHN GOZZA.

#80-1.  
-----X

MEMORANDUM OF LAW

By: Andrew S. Krieger, Esq.  
Attorney for the Board  
555 Union Avenue  
New Windsor, N. Y. 12550

TO: ZONING BOARD OF APPEALS

TO: MEMBERS - ZONING BOARD OF APPEALS  
FROM: ATTORNEY FOR THE ZBA - ANDREW S. KRIEGER, ESQ.  
SUBJECT: APPLICATION OF JONES/WARE/GOZZA - #80-1  
DATE: February 7, 1980

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I N T R O D U C T I O N

The Zoning Board of Appeals heard the application of the above applicants for interpretation, special permit, or variance as needed on January 28, 1980. The Board requested me to examine the applicable law and the following is my report.

F A C T S

The testimony at the hearing indicated that the applicants now occupy a town house in an R-5 zone on Vails Gate Heights Drive, New Windsor. The zone permits one family, two family and town house use. In the structure presently owned by Lenardina Jones, up to seven (7) persons, usually but not always senior citizens, have been housed in what applicants term a rest home. Applicant's mother is a registered nurse but the testimony shows that no medical care was being given the residents other than to assist them in taking pills prescribed by the resident's personal physician. The applicants have been served with a Notice of Violation from the Building Inspector alleging that the rest home use does not conform to the Zoning Ordinance.

Applicants now also seek to acquire the adjacent town house for the purpose of converting same to house up to an additional seven (7) persons in the same manner as those presently housed in the existing

structure. For this purpose, applicants seek either a special permit or a variance as may be required.

### I S S U E S

- I. Is the present use allowed or must a variance or special permit be issued?
- II. If a variance or special permit is needed, what section of the Town Code governs?
- III. Is the proposed new use permitted or must a special permit or variance be issued?
- IV. If a variance or special permit is needed, what section of the Town Code governs?

### D I S C U S S I O N

- I. & II. The present use appears to be permitted.

The courts have held that a boarding house including up to eight (8) paying guests is a normal use for a one-family dwelling. A local law may limit the areas in which such use will be permitted but our Town Code is silent on this subject. It, therefore, appears that the use is permitted wherever a one-family use is permitted. The courts have further held that a nursing home may be considered under the same category as a boarding house. On the facts shown at the hearing, it appears that the facilities provided for the residents of applicants' home are most closely akin to those specified in the cases as boarding house uses. It, therefore, appears that the present use of the structure is a conforming one and no permit or variance is needed.

III. The courts have held that where a boarding house is run for profit, that is not a permitted use under the one-family zoning restriction. The courts have further held that the housing of twenty (20) children is not a permitted boarding house use. Further, the boarding house use must be in addition and supplementary to the main use of the dwelling as a one-family residence. It appears that the present structure is primarily used as a one-family dwelling and the boarding house or rest home use is supplementary thereto, as these terms have been defined by the courts. In the case of the new home, however, it is an additional one-family structure and there is no additional family, other than additional paying guests, to occupy same. Therefore, it appears that a variance or special permit of some type will be required from the board.

IV. It has been suggested that Section 48-21(F) or Section 48-23.1 may apply in this case. Section 48-21(F) does not apply. That section by its term applies to multiple residences. In this case the applicants seek in essence to combine into one dwelling what is presently two adjacent dwellings. This would provide for common dining facilities, laundry facilities and other common facilities. This is not what is intended by the framework of the statute as multiple residences. Section 48-23.1 also does not apply. That section by its terms is limited to senior citizens. In this case the applicant takes in largely, but not entirely, senior citizens. Also that section applies to a housing project. In my opinion, two adjacent town houses operated essentially as one, does not constitute a project. It, therefore, appears that neither of the suggested sections applies to the law.

Since there is no special permit section in the Town Code pertaining to this matter, and since the additional house will not be a

permitted use under the statute, it appears that a variance will be required from the Zoning Board of Appeals pursuant to the normal and usual standards for granting a use variance.

Respectfully submitted,

ANDREW S. KRIEGER, ESQ.  
Attorney for the Zoning Bd. of Appeals

Dated: February 7, 1980..

(914) 565-8550

February 13, 1980

Mr. John Gozza  
162 Vails Gate Heights Drive  
New Windsor, N.Y. 12550

RE: APPLICATION FOR USE VARIANCE - JONES/WARE/GOZZA  
#80-1

Dear John:

This is to confirm that the above application before the New Windsor Zoning Board of Appeals was granted at a meeting held on February 11, 1980.

Formal decision will be drafted at a later date and voted upon at an upcoming meeting of the Board. I will then forward a copy to you.

Very truly yours,

PATRICIA DELIO, Secretary  
Zoning Board of Appeals

/pd

cc: Town Planning Board  
Town Building/Zoning Inspector

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-1  
(Number)

1/28/80  
(Date)

I. Applicant information:

- ✓ (a) LEONARDINA JONES, 162 Vails Gate Heights Drive, Newburgh, N.Y.  
JEROME and SOPHIE WARE, 164 Vails Gate Heights Drive, "  
(Name, address and phone of Applicant)
- ✓ (b) JOHN GOZZA, 162 Vails Gate Heights Drive, Newburgh, N. Y.  
(Name, address and phone of purchaser or lessee) 562-8837
- (c) -  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

✓ III. Property information:

- (a) R-5 162 Vails Gate Heights 71-2-37  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? June 1974 ?
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? -

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-1  
(Number)

1/28/80.  
(Date)

I. Applicant information:

- ✓ (a) LEONARDINA JONES, 162 Vails Gate Heights Drive, Newburgh, N.Y.  
JEROME and SOPHIE WARE, 164 Vails Gate Heights Drive, "  
(Name, address and phone of Applicant)
- ✓ (b) JOHN GOZZA, 162 Vails Gate Heights Drive, Newburgh, N. Y.  
(Name, address and phone of purchaser or lessee) 562-8837
- (c) -  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

✓ III. Property information:

- (a) R-5 162 Vails Gate Heights 71-2-37  
164 Vails Gate Heights 71-2-38  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? June 1974 ?
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when December 14, 1979
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. N/A



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 4809, Table Use Regs, Column B-3, to allow

a rest home in a residential (R-5) zone  
(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The rest home as it exists today has operated for a period of 5 and one-half years. We intend to expand the use and be able to serve the senior citizens of New Windsor in a greater capacity. To my knowledge, there have been no adverse effects or complaints from the neighboring property owners.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

a rest home in a residential (R-5) zone  
(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The rest home as it exists today has operated for a period of 5 and one-half years. We intend to expand the use and be able to serve the senior citizens of New Windsor in a greater capacity. To my knowledge, there have been no adverse effects or complaints from the neighboring property owners.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

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VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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☒ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section 48-9, Table Use Regs. Column B-3.
- (b) Describe in detail the use and structures proposed for the special permit.

The proposed use as a rest home will not be hazardous to the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.

We feel that such a use is needed in the community.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Both properties in question will be improved and there will be no outside structural changes; no signs.

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of tax map showing adjacent properties
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

The proposed use as a rest home will not be hazardous to the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.  
We feel that such a use is needed in the community.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Both properties in question will be improved and there will be no outside structural changes; no signs.



IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
  - ☒ Copy of contract of sale, lease or franchise agreement.
  - ☐ Copy of tax map showing adjacent properties
  - ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
  - ☐ Copy(ies) of sign(s) with dimensions.
  - ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.  
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

**X. AFFIDAVIT**

Date: \_\_\_\_\_

STATE OF NEW YORK) )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)  
LEONARDINA JONES

Sworn to before me this

SOPHIE WARE

day of \_\_\_\_\_, 19\_\_.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards: \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY

STATE OF NEW YORK)

SS. :

COUNTY OF ORANGE )

The undersigned Applicant, being duly sworn, deposes and states that

(Applicant)

LEONARDINA JONES

Sworn to before me this

SOPHIE WARE

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

Special Permit is

(c) Conditions and safeguards:

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

1/28/80 - Public Hearing - Lenardina Jones/Ware - 8:30 p.m.

Name:	Address:
Jerome Verne	Box 363, Huntington, N.Y.
Joseph Where	157 Vails Gate Hgts Dr. New Windsor
Hector B. Heria ✓	126 Vails Gate Hgts Dr. New Windsor
Olga J. Heria	" " "
Sarah Allouf	219 Vails Gate Hgts Dr.
Kathy Journal ✓	158 Vails Gate Hgts Dr.
Suzette Alchey ✓	152 Vails Gate Hgts Dr.
Cathy Schilling ✓	PO Box 378, Cornwall
Marjorie J. Soudry ✓	R.D. 2 Riley Rd.
Fredrick J. Soudry ✓	259 Vails Gate Hgts Dr.
Kenneth R. Soudry ✓	235 Vails Gate Hgts Dr.
Mary Soudry	"
John Cannon ✓	211 Vails Gate Hgts Dr.
Robert Klein ✓	82 Vails Gate Hgts Dr.
Samuel Wilson ✓	187 Vails Gate Hgts Dr.
N. Wilson	" " " "
Donna	77 Vails Gate Hgts Dr.

1/28/80 - Public Hearing - Lenardina Jones/Ware. - 8:30 p.m.

Name:	Address:
Jerome Verme	Box 363, <del>He</del> Huntington, N.Y.
Joseph Where*	157 Vails Gate Hgts Dr. New Windsor
Hector B. Heria ✓	166 Vails Gate Hgts Dr. New Windsor
Olga S. Fleiss	" " "
Sarah Allouf	219 Vails Gate Hgts Dr.
Kathy J. Jurek ✓	158 Vails Gate Hgts Dr.
Suzette Alieky ✓	152 Vails Gate Hgts Dr.
Cathy Schillings ✓	P.O. Box 378, Cornwall
Marjorie J. Jurek ✓	R.D. 2 Riley Rd.
Fredrick J. Jurek ✓	259 Vails Gate Hgts Dr.
Kenneth K. Jurek ✓	235 Vails Gate Hgts Dr.
Mary K. Jurek	" "
John Cannon ✓	211 Vails Gate Hgts Dr.
Robert Klein ✓	82 Vails Gate Dr.
James Wilson ✓	187 Vails Gate Hgts Dr.
N. Wilson	" " "
A. Jurek	77 Vails Gate Hgts Dr.
Daniel Jurek *	
Margaret Jurek	162 Vails Gate Dr.
John Jurek	Carroll St Newburgh
Mr. Saunders objection	

LAW OFFICES  
DAVID E. TOWER  
45 GRAND STREET  
POST OFFICE BOX 229  
NEWBURGH, NEW YORK 12550  
914-561-2460

*Read into record.*

January 28, 1980

Chairman of the New Windsor  
Planning Board  
Town Hall  
Union Avenue  
New Windsor, NY 12550

Dear Sir:

As attorney for John Gozza, I wish to confirm the fact that the premises he presently operates, known as "The Haven", located at 162 Vails Gate Heights Drive, and plans to operate at 164 Vails Gate Heights Drive are not and will not be subject to state and federal regulations.

Since Mr. Gozza does not and will not receive financial aid from state or federal agencies in order to operate his rest home for senior citizens, regulations set up by these agencies would not apply to his establishment.

Very truly yours,

*David E. Tower*

DAVID E. TOWER

DET:dmp

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

~~XXXXXXXXXX~~

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

62-



Kumstar Rose B.  
RD3, Rt.300, N.Plank Rd.  
Newburgh, N.Y. 12550

Ashton Rowell Assoc. Inc.  
157 S. Plank Road  
Newburgh, N.Y.

Effron Joseph  
PO Box 174  
Poughkeepsie NY 12602

Morange William A & Dianna A  
149 Vails Gate Heights Dr.  
New Windsor NY 12550

Uherec Joseph J & Doreen V  
157 Vails Gate Heights Dr.  
New Windsor NY

Kayes Vincent L & Jeanne M  
165 Vails Gate Heights Dr  
New Windsor NY

Becker Stanley D & Lorraine A  
171 Vails Gate Heights Dr  
New Windsor NY

Wilson Samuel C & Norma M  
187 Vails Gate Heights Dr  
New Windsor NY

Otero Jose Aida  
Vails Gate Heights Dr  
New Windsor NY

Montone Stephen J & Lucia A  
203 Vails Gate Dr  
New Windsor NY

Canna John A & Linda J  
179 Vails Gate Heights Dr  
New Windsor NY

Allouf Alfred & Sarah  
219 Vails Gate Heights Dr  
New Windsor NY

Cincotta Vincent & Josephine  
227 Vails Gate Heights Dr  
New Windsor NY

Hommel Kenneth R & Mary C  
235 Vails Gate Heights Dr  
New Windsor NY

Francon Richard F & Frances  
243 Vails Gate Heights Dr  
New Windsor NY

Manziona James P & Lorraine  
251 Vails Gate Heights Dr  
New Windsor NY

Huff Frederic & Josephine  
259 Vails Gate Heights Dr  
New Windsor NY

Wolff Edwin J Jr & Lorayne  
80 Vails Gate Heights Dr  
New Windsor NY

Klein Robert G & Harriet  
82 Vails Gate Heights Dr  
New Windsor NY

Boykin Cecil Jr & Ruby J  
84 Vails Gate Heights Dr  
New Windsor NY

Maresca John R  
86 Vails Gate Heights Dr  
New Windsor NY

Ferellec Michel M & Carolyn  
88 Vails Gate Heights Dr  
New Windsor NY

Gordon Herbert & Bernice  
90 Vails Gate Heights Dr  
New Windsor NY

Dolan Bernard J & Beatrice A  
92 Vails Gate Heights Dr  
New Windsor NY

Horton Marvin Lee & Carol Ann  
96 Vails Gate Heights Dr  
New Windsor NY

Stone James J & Johanna R  
100 Vails Gate Heights Dr  
New Windsor NY



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

~~XXXXXXXXXX~~  
655 Union Avenue

New Windsor, New York 12550  
(914) 565-8808

Rosa Giobelt & Mirta  
15 Brandywine Crossing  
Newburgh NY 12550

Hughes John J & Fay E  
104 Vails Gate Heights Dr  
New Windsor Ny

Monahan Jerome & Mary E  
106 Vails Gate Heights Dr  
New Windsor NY

Boylan Paul J  
212 McLean Dr  
Yonkers NY 10507

Napolitano Thomas & Billie Mae  
110 Vails Gate Heights Dr  
New Windsor NY

Saunders Leon E & Barnett Ann L  
114 Vails Gate Heights Dr  
New Windsor NY

Donaghy Francis J & Agnes  
116 Vails Gate Heights Dr  
New Windsor NY

Mazurek Robert A & Linda A  
118 Vails Gate Heights Dr  
New Windsor NY

Ingrassia Carl & Patricia  
120 Vails Gate Heights Dr  
New Windsor NY

Mahoney John F & Luz M  
122 Vails Gate Heights Dr  
New Windsor NY

McGarry William & Lynne  
124 Vails Gate Heights Dr  
New Windsor NY

Ekstein Robert N & Barbara  
126 Vails Gate Heights Dr  
New Windsor NY

Lugo Aurelio & Bertha  
128 Vails Gate Heights Dr  
New Windsor NY

Lamb Edward M & Anne P  
130 Vails Gate Heights Dr  
New Windsor NY

DeStefano Michael & Helen  
134 Vails Gate Heights Dr  
New Windsor NY

Sullivan Francis E & Carolyn M  
136 Vails Gate Heights Dr  
New Windsor NY

Kessler William & Adele  
138 Vails Gate Heights Dr  
New Windsor NY

Trincali Robert F & Dolores M  
140 Vails Gate Heights Dr  
New Windsor NY

McLean Bettye J  
142 Vails Gate Heights Dr  
New Windsor NY

DelGatto Vincent & Johanna  
148 Vails Gate Heights Dr  
New Windsor NY

Forneris Richard A & Rosemary  
150 Vails Gate Heights Dr  
New Windsor NY

The Adm. of Veterans Affairs  
Loan Guar. Division  
Tax Ins, Sec.  
252 Seventh Ave.  
New Yrok NY 10001

Dursi Pat A & Patricia H  
154 Vails Gate Heights Dr  
New Windsor NY

Adm. of Veteran Affairs  
c/o NY Guardian Mort. Corp.  
320 Fulton Ave.  
Hempstead NY 11550

Faurot Randall & Katherine  
158 Vails Gate Heights Dr  
New Windsor NY



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

Chairman  
New Windsor, NY 12550

555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Scanlan George P & Jacqueline  
160 Vails Gate Heights Dr  
New Windsor NY

Jones Leonardina Faith  
162 Vails Gate Heights Dr  
New Windsor NY

Ware Jerome & Sphie  
164 Vails Gate Heights Dr  
New Windsor NY

Feria Hector D & Olga  
166 Vails Gate Heights Dr  
New Windsor NY

Labarbera Peter & Ada  
168 Vails Gate Heights Dr  
New Windsor NY

Milne Alexander & Patricia  
170 Vails Gate Height Dr  
New Windsor NY

Bennett Mitchell  
PO Box 452  
Newburgh NY 12550

Latterman Joseph M & June E  
174 Vails Gate Heights Dr  
New Windsor NY

Moyer Jack & Catherine M  
176 Vails Gate Heights Dr  
New Windsor NY

Lee Clarence D & Edie M  
178 Vails Gate Heights Dr  
New Windsor NY

Southgate Village  
Rabs Realty Corp  
c/o Herman Rudy  
Vails Gate Heights Dr  
New Windsor NY

1/14/80- 7:30 a.m.

1

Building Department  
(CITY, TOWN OR VILLAGE) OF NEW WINDSOR  
(Address and Telephone Number)  
County of: ORANGE

### Order to Remedy Violation

Location 162 VAILS GATE HEIGHTS DRIVE

Map No.: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Date DEC 14 1979

TO JOHN J. GOZZA  
(owner or authorized agent of owner)  
162 VAILS GATE HEIGHTS DR (Town House)  
(address of owner or authorized agent of owner)

PLEASE TAKE NOTICE there exists a violation of:

The State Building Construction Code  
Zoning Ordinances  
Other Applicable Laws, Ordinances or Regulations

at premises hereinafter described in that REST  
NOISE HOME IN  
A RESIDENTIAL ZONE (R-5) (state character of violation)

in violation of ARTICLE III 48-9 COLUMN B (R5)  
(state section or paragraph of applicable law, ordinance or regulation)

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to  
remedy the conditions above mentioned forthwith on or before the 14th day of  
Jan. DECEMBER 1979

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Calcutt  
Superintendent of Buildings

use  
(Variance or Interpretation)

(5 1/2 years)

# Agreement.

Made and dated this 27th day of December  
in the year One thousand nine hundred and seventy nine

Between SOPHIE WARE, residing at No. 164 Vails Gate Heights  
Drive, Town of New Windsor, County Of Orange, State of New York,

hereinafter described as the seller, and

JOHN GOZZA, residing at No. 162 Vails Gate Heights Drive, Town of  
New Windsor, County of Orange, State of New York,

hereinafter described as the purchaser,

Witnesseth:

That the seller agrees to sell and convey, and the purchaser agrees to purchase:

All that certain plot, piece or parcel of land, with the buildings  
and improvements thereon erected, situate, lying and being in the  
Town of New Windsor, County of Orange, and State of New York, shown  
and designated as Part of Lot 9 and Part of Lot 10 in Block B, on a  
certain map entitled "Old Windsor Estates, Town of New Windsor, Orange  
County, N.Y.", dated April 20, 1965, made by Henry Horowitz, and filed  
in the Office of the Clerk of Orange County on December 3, 1965 in  
Book 4 of Maps at Page 40, as Map No. 2172, and which parts of Lots  
when taken together are more particularly bounded and described as  
follows:

BEGINNING at a point on the southeasterly side of Old Windsor  
Road distant 520.52 feet southwesterly as measured along said south-  
easterly side of Old Windsor Road from the westerly end of the curve  
connecting the southeasterly side of Old Windsor Road with the south-  
westerly side of Old North Road; running thence south 49° 17' 25"  
east 100 feet; thence south 40° 42' 35" west 38.59 feet; thence,  
north 46° 33' 13" west; and part of the distance through a party wall,  
100.11 feet to a point on the southeasterly side of Old Windsor Road;  
thence along the southeasterly side of Old Windsor Road, north 40°  
42' 35" east 33.81 feet to a point or place of beginning.

SUBJECT to an easement affecting the northeasterly 10 feet of  
the above described premises as shown on the aforesaid filed map.

SUBJECT to a drainage easement 10 feet wide affecting the  
rear of the above described premises.

TOGETHER with an easement for street purposes over the streets  
shown on said map to the nearest public highway.

SUBJECT to easements, agreements, covenants and restrictions

Made and dated this 27th day of December  
in the year One thousand nine hundred and seventy nine

Between SOPHIE WARE, residing at No. 164 Vails Gate Heights Drive, Town of New Windsor, County Of Orange, State of New York,

hereinafter described as the seller, and

JOHN GOZZA, residing at No. 162 Vails Gate Heights Drive, Town of New Windsor, County of Orange, State of New York,

hereinafter described as the purchaser,

Witnesseth:

That the seller agrees to sell and convey, and the purchaser agrees to purchase:

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, and State of New York, shown and designated as Part of Lot 9 and Part of Lot 10 in Block B, on a certain map entitled "Old Windsor Estates, Town of New Windsor, Orange County, N.Y.", dated April 20, 1965, made by Henry Horowitz, and filed in the Office of the Clerk of Orange County on December 3, 1965 in Book 4 of Maps at Page 40, as Map No. 2172, and which parts of Lots when taken together are more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Old Windsor Road distant 520.52 feet southwesterly as measured along said southeasterly side of Old Windsor Road from the westerly end of the curve connecting the southeasterly side of Old Windsor Road with the southwesterly side of Old North Road; running thence south 49° 17' 25" east 100 feet; thence south 40° 42' 35" west 38.59 feet; thence, north 46° 33' 13" west; and part of the distance through a party wall, 100.11 feet to a point on the southeasterly side of Old Windsor Road; thence along the southeasterly side of Old Windsor Road, north 40° 42' 35" east 33.81 feet to a point or place of beginning.

SUBJECT to an easement affecting the northeasterly 10 feet of the above described premises as shown on the aforesaid filed map.

SUBJECT to a drainage easement 10 feet wide affecting the rear of the above described premises.

TOGETHER with an easement for street purposes over the streets shown on said map to the nearest public highway.

SUBJECT to easements, agreements, covenants and restrictions, if any of record.

SUBJECT to any state of facts an accurate survey of the premises would show.

This contract is contingent upon the purchaser herein obtaining a municipal approval for the operation of a rest home in the demised premises.

"SEE ATTACHED RIDER"

The price is TWENTY SEVEN THOUSAND THREE HUNDRED TWENTY TWO and  
54/100-----(\$27,322.54)-----Dollars

payable as follows: FIFTEEN HUNDRED and 00/100-----  
-----(\$1,500.00)-----Dollars

on the signing of this contract, the receipt whereof is hereby acknowledged;

Dollars

in cash or good certified check on the delivery of the deed as hereinafter provided;

Dollars

by taking title subject to a mortgage in that amount, now a lien on said premises, bearing  
interest at the rate of per centum per annum, payable

Dollars

by the purchaser or assigns executing, acknowledging and delivering to the seller bond in  
that amount, secured by a purchase money mortgage in the same amount on the above  
premises, bearing interest at the rate of per centum per annum, payable

The deed shall be delivered upon the receipt of said payments, at the office of

at o'clock in the  
noon, on 19 .

The deed shall be the usual deed  
in proper statutory short form for record, and shall contain the clause specified in Sub-division 5  
of Section 13 of the Lien-Law. It shall be duly executed and acknowledged by the seller, at the  
seller's expense, so as to convey to the purchaser the fee simple of said premises free of all encum-

in cash or good certified check on the delivery of the deed as hereinafter provided;

Dollars

by taking title subject to a mortgage in that amount, now a lien on said premises, bearing interest at the rate of per centum per annum, payable

Dollars

by the purchaser or assigns executing, acknowledging and delivering to the seller that amount, secured by a purchase money mortgage in the same amount on the above premises, bearing interest at the rate of per centum per annum, payable bond in

The deed shall be delivered upon the receipt of said payments, at the office of

at o'clock in the  
noon, on 19 .

The deed shall be the usual deed in proper statutory short form for record, and shall contain the clause specified in Sub-division 5 of Section 13 of the Lien-Law. It shall be duly executed and acknowledged by the seller, at the seller's expense, so as to convey to the purchaser the fee simple of said premises, free of all encumbrances, except as herein stated.

If a purchase money mortgage is to be given in this transaction, it shall be drawn by the attorney for the seller and the recording fees and mortgage tax, the cost of the United States Internal Revenue stamps, if any, and the charge for drawing the Bond and Mortgage shall be paid by the purchaser.

RIDER TO CONTRACT

SOPHIE WARE

TO

JOHN GOZZA

SUBJECT to an existing mortgage on the premises held by the  
Ulster Savings Bank, Kingston, New York, in the Original principal  
amount of \$26,900.00, there is currently an outstanding balance of  
\$25,822.54

*All buildings on the premises are represented as owned by the seller and are included in the sale. All plumbing, heating, lighting fixtures (except portable lamps and stoves), shades, screens, blinds, awnings, shrubbery and plants are also included in the sale.*

*Rents, taxes, water rates, <sup>fuel oil</sup> interest on mortgages and fire insurance premiums, if any, are to be apportioned.*

*If there be a water meter on the premises, the seller shall furnish a reading to a date not more than thirty days prior to the time herein set for closing title, and the unfixed meter charge for the intervening time shall be apportioned on the basis of such last meter reading.*

*All sums paid on account of this contract, and the reasonable expense of the examination of the title to said premises, are hereby made liens thereon, but such liens shall not continue after default by the purchaser under this contract.*

*The risk of loss or damage to said premises by fire until the delivery of the deed, is assumed by the seller.*

*The premises above described are sold subject to building and zoning ordinances and restrictions of record, if any.*

*The stipulations herein are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.*

*The seller agrees that no broker brought about this sale and agrees to pay the broker's commission of*

*~~Dollars~~ therefor.*

*In Witness Whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.*

*Signed, Sealed and Delivered }*

*All buildings on the premises are represented as owned by the seller and are included in the sale. All plumbing, heating, lighting fixtures (except portable lamps and stoves), shades, screens, blinds, awnings, shrubbery and plants are also included in the sale.*

*fuel oil  
Rents, taxes, water rates, interest on mortgages and fire insurance premiums, if any, are to be apportioned.*

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*The stipulations herein are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.*

*The seller agrees that no broker  
brought about this sale and agrees to pay the broker's commission of*

*~~Dollars therefor.~~*

*In Witness Whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.*

*Signed, Sealed and Delibered }  
in the Presence of*

*Sophie Ware*  
\_\_\_\_\_  
SOPHIE WARE  
*John J. Cozza*  
\_\_\_\_\_  
JOHN COZZA

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
FROM: ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - January 28, 1980  
DATE: January 18, 1980

Kindly be advised that the following applications are to be heard before the ZBA at public hearing on January 28, 1980:  
at

8 p.m. - MAPAC REALTY - application for use variance

8:15 p.m. - V.S.H. REALTY - application for three (3)  
sign variances

8:30 p.m. - JONES, LENARDINA/WARE, JEROME & SOPHIE  
Application for use variance and special permit

I have also attached copies of the above applications together with the public hearing notices which appeared in The Evening News.

Pat

/pd

Attachments: 6

cc: Howard Collett - Bldg./Zoning Inspector

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No.       /      

Request of LEONARDINA JONES and JEROME AND SOPHIE WARE

for a VARIANCE or SPECIAL USE PERMIT of the regulations of the Zoning Ordinance, to permit

A REST HOME IN A RESIDENTIAL ZONE,

being a VARIANCE or SPECIAL USE PERMIT of

Section 48-9-Table of Use Regulations - Column B and Column B-3  
for property situated as follows:

162 and 164 Vails Gate Heights Drive, Town of  
New Windsor, New York.

SAID HEARING will take place on the 28th day of January, 1980,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:30 o'clock P. M.

Vincent Bivona  
Chairman